

UNITED STATES DISTRICT COURT
for the
Western District of New York

In the Matter of the Search of)
(Briefly describe the property to be searched or identify the person by name and address.))

Yahoo! Email account "hff2k5@yahoo.com")

Case No. 17-MJ- 671

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APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the Western District of New York (*identify the person or describe property to be searched and give its location*): **In the Matter of the Search of Yahoo! Email account "hff2k5@yahoo.com," as maintained by Yahoo! Inc., a company with offices located in Sunnyvale, California, as described in Attachment A.**

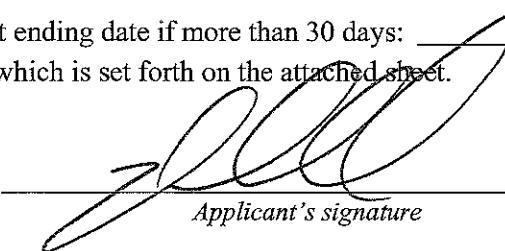
The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*): **See Attachment B for the Items to be Seized, all of which are evidence and instrumentalities of violations of Title 18 United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B), and all of which are more fully described in the application and affidavit filed in support of this warrant, the allegations of which are adopted and incorporated by reference as if fully set forth herein.**

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of **18 U.S.C. §§ 2252A(a)(2)(A) and 2252A(a)(5)(B)**, and the application is based on these facts which are continued on the attached sheet.

Delayed notice of days (give exact ending date if more than 30 days:) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

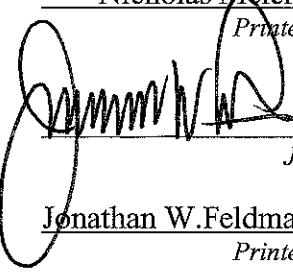

Applicant's signature

Nicholas Melchiorre, Special Agent, H.S.I.

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/29/17


Judge's signature

Jonathan W. Feldman, United States Magistrate Judge

Printed name and title

City and state: Rochester, New York

ATTACHMENT A

DESCRIPTION OF ACCOUNT TO BE SEARCHED

The account to be searched is a Yahoo! e-mail and communication account, associated with the following account that is stored at the premises controlled by Yahoo! Inc., a company that accepts service of legal process at Yahoo!, 701 First Avenue, Sunnyvale, California 94089:

hff2k5@yahoo.com

ATTACHMENT B
ITEMS TO BE SEARCHED FOR AND SEIZED

1. Information to be disclosed by Yahoo (the "Provider")

To the extent that the information described in Attachment A is within the possession, custody, or control of the Provider, including any emails, records, files, logs, or information that has been deleted but is still available to the Provider, or has been preserved pursuant to a request made under 18 U.S.C. § 2703(f), the Provider is required to disclose the following information to the government for each account or identifier listed in Attachment A:

- a. The contents of all e-mails associated with the account, including stored or preserved copies of e-mails sent to and from the account, draft e-mails the source and destination addresses associated with each e-mail, the date and time at which each e-mail was sent, and the size and length of each e-mail;
- b. All records pertaining to chats or Yahoo! Messenger communications and exchanges between the Yahoo! Email and communication account *hff2k5@yahoo.com* and other Yahoo! users;
- c. All records or other information regarding the identification of the account, to include full name, physical address, telephone numbers and other identifiers, records of session times and durations, the date on which the account was created, the length of service, the IP address used to register the account, log-in IP addresses associated with session times and dates, account status, alternative e-mail addresses provided during registration, methods of connecting, log files, and means and source of payment (including any credit or bank account number);
- d. The types of service utilized;
- e. All records or other information stored at any time by an individual using the account, including address books, contact and buddy lists, calendar data, pictures, and files; and
- f. All records pertaining to communications between the Provider and any person regarding the account, including contacts with support services and records of actions taken.

2. Information to be seized by the government

For the period of the creation of the *hff2k5@yahoo.com* e-mail and communication account to the present, all information described above in Section 1 constituting evidence of and/ or instrumentalities for violations of 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B), including:

- a. Images of child pornography and files containing images of child pornography;
- b. Communications about the receipt and/ or possession of child pornography; and
- c. Records demonstrating the ownership of, subscription to or use of the *hff2k5@yahoo.com* e-mail and communication account.

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

NICHOLAS MELCHIORRE, being duly sworn, deposes and states:

1. I have been employed as a Special Agent (SA) with Homeland Security Investigations (HSI), within the Department of Homeland Security (DHS), since 2010. As a Special Agent, I am a federal law enforcement officer within the meaning of Rule 41(a) of the Federal Rules of Criminal Procedure, that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, federal criminal offenses.

2. I have participated in investigations targeting individuals involved in the receipt, distribution and possession of child pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B). I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to observe and review numerous images and videos of child pornography, as defined in Title 18, United States Code, Section 2256. As part of my employment with HSI, I successfully completed the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the Immigration and Customs Enforcement Basic School, both of which included instruction with respect to the application

for, and execution of, search and arrest warrants, as well as the application for criminal complaints, and other legal process.

3. This affidavit is submitted in support of an application to search information associated with an email and communication account that is stored at premises owned, maintained, controlled, or operated by Yahoo! Inc., a provider headquartered at 701 First Avenue, Sunnyvale, California 94089 (hereafter "Yahoo!"). The account *hff2k5@yahoo.com* is identified and described in the following paragraphs as well as **Attachment A** to this application. This affidavit is made in support of an application for a search warrant, pursuant to Title 18, United States Code, Sections 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) and Federal Rule of Criminal Procedure 41, for Yahoo! to disclose to the government records and other information in its possession pertaining to the subscriber(s) or customer(s) associated with the account *hff2k5@yahoo.com*, including the contents of communications, as further described in **Attachment B**.

4. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and the review of documents and records. As set forth in more detail below, there is probable cause to believe that evidence, contraband, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(2)(A) (receipt and distribution of child pornography) and Title 18, United States Code, Section 2252A(a)(5)(B) (possession of child pornography) are located within the Yahoo! account known as *hff2k5@yahoo.com*.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant, I have not included every detail of every aspect of the investigation. Rather, I have set forth facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, Sections 2252A(a)(2)(A) and 2252A(a)(5)(B) are presently located in and associated with the Yahoo! account *hff2k5@yahoo.com*. Unless specifically indicated, all conversations and statements described in this affidavit are related in substance and in part.

BACKGROUND OF THE INVESTIGATION

6. In October 2016, HSI Phoenix agents became involved in an ongoing child pornography investigation with investigators from the New Zealand Department of Internal Affairs Te Tari Taiwheuna, Digital Child Exploitation Team (NZDCET). That investigation identified individuals who utilized the Internet based application “Chatstep.com” to receive and distribute child pornography.

7. Chatstep operates a website, which contains an anonymous online network allowing users to post images directly into the site, or post hyperlinks that direct the user to images and videos stored elsewhere on the Internet. Chatstep operates chat rooms in which users have been observed to trade in child pornography. Users have also been observed discussing techniques to distribute child pornography while masking their identity, and how to avoid Chatstep reporting protocols while trading child pornography. Chatstep allows files and images to be shared among groups of people by dragging the files and/or images into the chat window; the content is then instantly available to anyone in the chat room. If the attached media is a file, a hyperlink to download the attachment is provided.

8. On May 22, 2017 and July 24, 2017, a NZDCET investigator, acting in an undercover capacity, observed multiple individuals accessing Chatstep chat rooms. On those dates, the NZDCET investigator further observed one of those individuals, user name "Ryancba," post links to image files depicting suspected child pornography. The NZDCET investigator clicked on each of the links, downloaded the image files, and captured screenshots of the chatrooms to document his observations.

9. NZDCET investigators obtained IP address records from Chatstep for user "Ryancba" for the above stated dates. Chatstep's records indicated that user "Ryancba" accessed the Chatstep website via IP address 69.207.98.221 (hereinafter the "SUBJECT IP ADDRESS"). After determining that the SUBJECT IP ADDRESS was located in the United States, NZDCET forwarded the findings of their investigation to HSI Phoenix.

10. HSI Phoenix agents submitted administrative summonses to Time Warner Cable d/b/a Spectrum requesting subscriber and IP address information for the SUBJECT IP ADDRESS for May 22, 2017 and July 24, 2017. Time Warner provided responses to the summonses, indicating that on May 22, 2017 and July 24, 2017, the SUBJECT IP ADDRESS was assigned to 343 North Avenue, Hilton, New York 14468, and registered in the name of ROLAND YOCKEL. Based on this information, the case was referred to HSI Buffalo on or about October 19, 2017.

11. On November 2, 2017, I reviewed the materials provided by NZDCET, which were posted by "Ryancba" to Chatstep on May 22, 2017, including the suspected child pornography images. I have described two of those image files below:

- a. **Filename: <http://picpaste.com/12-gFAm0VNR.jpg>:** A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is wearing a red/pink shirt with green polka dot long sleeves. Her hands are at her side and her breasts are exposed. Her nipples are partially covered by her hair and her bare torso is exposed. She has a red/pink skirt on that is pulled down exposing her vaginal area. No other individuals are depicted in this image.
- b. **Filename: <http://picpaste.com/1459733730757-yM9GEhn.jpg>:** A photograph of a pre-pubescent brown-haired female approximately 4-7 years of age. She is bent over a computer desk looking at a computer monitor. She is only wearing a pink shirt and is nude from the waist down. Her legs are slightly spread and her vaginal and anal areas are fully exposed. Additionally, depicted on the computer monitor on the desk, is an image that appears to depict a pre-pubescent child approximately 4-7 years who is nude from the waist down.

12. On November 14, 2017, I reviewed the materials provided by NZDCET, which were posted by “Ryancba” to Chatstep on July 24, 2017, including the suspected child pornography images. I have described 2 of those image files below:

- a. **Filename: <http://picpaste.com/kluyki7jy6-FiLwjmHe.jpg>:** A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is wearing a short-sleeved shirt, light pink skirt, and two-tone pink socks. She is outdoors squatting down in the grass with a wooded area behind her. She is facing the camera and her vaginal area is exposed. No other individuals are present in the image.
- b. **Filename: <http://picpaste.com/1498687208-yqQM0t25.jpg>:** A photograph of a pre-pubescent blonde-haired female approximately 4-7 years of age. She is completely nude sitting on a blue area rug facing the camera with what appears to be a wooden television stand behind her. She is facing the camera smiling, leaning backwards, and holding her body weight up with each of her hands. The front of her nude body is completely exposed to the viewer, including her underdeveloped breasts and vaginal area. No other individuals are present in the image.

13. Based on my training and experience, the above described image files meet the federal definition of child pornography, as defined in Title 18, United States

Code, Section 2256(8), as they depict the lascivious exhibition of the genitals or pubic areas of a minor child.

14. On October 30, 2017, your deponent obtained information from the New York State Department of Motor Vehicles (DMV) related to the SUBJECT PREMISES. The DMV identified several individuals, including ROLAND YOCKEL, II (DOB 02/26/1987) as residing at 343 North Avenue.

15. Based on the above, I obtained a search warrant for the premises at 343 North Avenue, Hilton, NY, 14468, which is a single family home on the west side of North Avenue. The warrant was executed on November 21, 2017 with members of HSI Buffalo and the New York State Police, during which time ROLAND YOCKEL, II was present.

16. During the execution of the search warrant, I interviewed ROLAND YOCKEL, II. YOCKEL advised that he is a Kindergarten teacher in the Brockport Central School District and has been employed as a full time teacher since August 2017. Prior to his full time employment, YOCKEL served as a substitute teacher for several years. YOCKEL stated that he resides in the basement of 343 North Avenue with his parents and siblings and that he accesses the internet using the home's wifi connection. YOCKEL stated that he owns a cellular phone and a grey HP laptop that he keeps within the home, and indicated that he used both devices to access the internet. When asked about his interest in child pornography, YOCKEL admitted that he has both received and distributed child pornography at 343 North Ave. using Chatstep.com and Yahoo! messenger. YOCKEL stated that he used his HP laptop in his basement bedroom to

distribute and receive child pornography via the internet, and that he saved child pornography to two external hard drives as well as several DVD's.

17. An HSI Computer Forensic Agent (CFA) conducted an on-site preview of two (2) DVD's discovered on the nightstand in YOCKEL's bedroom. Both DVD's contained numerous video files with titles consistent with child pornography, including "PTHC" which is an acronym for "Pre-teen hardcore." The CFA viewed several videos on each disc, all of which depicted female children, approximately 5-8 years old, engaged in sexually explicit conduct to include oral and/or vaginal penetration of female children by adult males. The DVD's and numerous other electronic media/storage devices, including the two hard drives and HP laptop were seized. These items will be forensically analyzed by HSI Buffalo in the coming weeks.

18. When asked about his involvement in distributing child pornography, YOCKEL admitted that he used the Chatstep website under username "Ryancba" to distribute child pornography over the internet. When asked, YOCKEL stated that he used "Ryancba" rather than "Roland" to mask his identity. YOCKEL further stated that he was addicted to pornography and began to trade child pornography at some point in the past using his HP laptop, Chatstep, and Yahoo! messenger. YOCKEL stated that he masturbated to child pornography and that it sexually aroused him.

19. During the interview, YOCKEL confirmed that he used the Yahoo! account known as *hff2k5@yahoo.com* to receive and distribute child pornography. Thereafter, YOCKEL provided consent for HSI to assume control of the account in and

to inspect its contents. HSI sent a preservation letter to Yahoo! to retain *hff2k5@yahoo.com*'s communications.

20. Based on my training and experience, I am aware that, in addition to email services, Yahoo! accounts allow users to engage in instant messaging, in which users may "chat" in real time with other users and exchange photographs. I am also aware that individuals engaged in the trade of child pornography use these services to send and receive images and videos depicting child pornography, and that Yahoo! maintains records of such transactions. Based on YOCKEL'S admission that he uses *hff2k5@yahoo.com* to receive and distribute child pornography, there exists probable cause for the issuance of the requested search warrant for the contents of the account.

21. Based on all of the above, this application seeks authorization to search and seize, from Yahoo!, the items listed in the attached Schedule of Items to be Seized (**Attachment B**), which is attached hereto and incorporated by reference as though set forth fully herein.

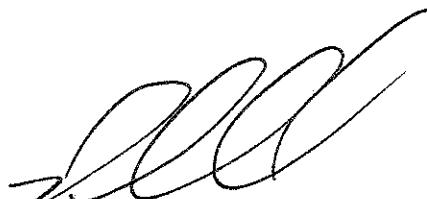
REQUEST FOR SEALING

22. Because this investigation is continuing, disclosure of the search warrant, this affidavit, and/or this application and the attachments thereto could jeopardize the progress of the investigation. Disclosure of the search warrant at this time could jeopardize the investigation by giving the targets an opportunity to destroy evidence, change patterns of behavior, notify confederates, or flee from prosecution. Accordingly, I request that the Court issue an order that the search warrant, this affidavit in support of application for search

warrant, the application for search warrant, and all attachments thereto be filed under seal for a period of thirty (30) days.

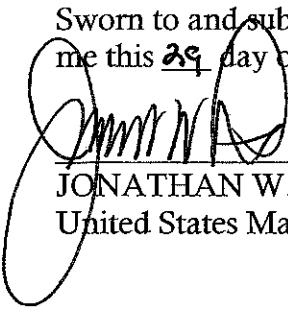
CONCLUSION

Based upon the forgoing, the undersigned respectfully submits that there is probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B), as specifically described in **Attachment B** to this application, are presently located within the Yahoo! e-mail and communication account *hff2k5@yahoo.com*. The undersigned therefore respectfully requests that the attached warrant be issued authorizing a search for the items listed in **Attachment B** within the Yahoo! account *hff2k5@yahoo.com*, from the period of creation of the account to present.



NICHOLAS MELCHIORRE
Special Agent
Homeland Security Investigations

Sworn to and subscribed before
me this 29 day of November 2017.



JONATHAN W. FELDMAN
United States Magistrate Judge